THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.25542 of 2007

Between:

Md.Rafiuddin and another.

.. PETITIONERS

and

S.Ashok and others.

.. RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.25542 of 2007

ORDER:

The petitioners seek to issue a Writ of Mandamus to direct the 3rd

respondent to handover keys of the locked door of the petitioner's house, which is a private property of the petitioners.

It is the case of the petitioners that they are the agreement holders cum GPA vide Document No.4975 of 2006, dated 16-12-2006 in respect of House No.1-4-27/71/A admeasuring 550 sq. yards situated at Padmashali Colony, Bholakpur, Hyderabad, along with possession. The vendors of the petitioners obtained municipal permission for construction of House vide Permit No.65/35 in File No.0210/CSC/TP3/2001, dated 04-03-2004, and constructed a house therein. It is stated that there was public passage over Nala in the said locality and the same is being used by the public. When the respondents started interfering with the petitioner from using the said Nala, the petitioners filed a suit O.S.No.1186 of 2007 on the file of X Junior Civil Judge, City Civil Court, Hyderabad, on 03-06-2007, seeking perpetual injunction not to interfere with the peaceful possession adjacent to the suit property and the said suit is pending. While so, the 3rd respondent visited the property on 22-07-2007 and locked two doors, which are facing to the passage and taken the keys along with him.

I am of the opinion that there is no foundation in support of the allegations made by the petitioners. Further, when the 3rd respondent locked the doors and taken the keys, the petitioners would have made a representation before the 3rd respondent as well as before the Revenue Divisional Officer. The petitioners have not filed any protest petition or representation/complaint. In fact, the petitioners filed the suit for the very same relief. Therefore, I am of the opinion that the writ petition filed by the petitioners is not maintainable and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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30-11-2007

Prv